

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

CHELSEA GILLIAM, et al.,)
Plaintiffs,)
vs.) CIVIL CASE NO.
DEPARTMENT OF PUBLIC SAFETY &) 1:23-cv-01047-MJM
CORRECTIONAL SERVICES, et al.,)
Defendants.)
_____) 9:01 a.m.

WEDNESDAY, NOVEMBER 22, 2023
Courtroom 5C
Baltimore, Maryland

TRANSCRIPT OF PROCEEDINGS
ZOOM TRO HEARING - VOLUME II
BEFORE THE HONORABLE MATTHEW J. MADDOX

For the Plaintiffs:

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(Computer-aided Transcription of Stenotype Notes)

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Continued Direct Examination - Kimberly Stewart

1 interaction with staff that they observed in the courtroom, but
2 they did stay in the room and would not have been on the tier.

3 So the investigation is ongoing. At this point we haven't
4 been able to substantiate anything but we will continue to
5 investigate.

6 Q. Thank you. So we're going to pick up on your testimony
7 from yesterday. So did there come a time at Patuxent when
8 Ms. Grey was placed on administrative segregation?

9 A. Yes, on October 13th.

10 Q. Okay. And what led to Ms. Grey's placement on admin seg?

11 A. So I was the duty officer the month of October. The Chief
12 of Security, myself, and the Warden rotate. Any time there's
13 an incident going on in the facility the duty officer receives
14 a call.

15 I received a call that evening that a confidential
16 informant had approached the intel department saying that there
17 was a rumor going around the facility that Ms. Grey had engaged
18 in a sex act with another incarcerated individual, Mr. Carlton
19 Bell, that the sex act occurred during early setup for Muslim
20 service. Carlton Bell is a Muslim inmate. And that another
21 unidentified Muslim incarcerated individual had walked in on
22 them during the sex act, that the Muslim community was in an
23 uproar over the disrespect to their religion and to their
24 service.

25 Intel further advised me that Carlton Bell had recently

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1 been released from disciplinary segregation for a physical
2 fight with a different Muslim individual and was already on the
3 outs with the Muslim community and that there was a concern
4 that the Muslim community may retaliate for this act of
5 disrespect against both Ms. Grey and Mr. Bell.

6 There was also a concern that if this rumor reached
7 Mr. Scott Brill, who has a history of being potentially
8 assaultive and he believed that the sex act had occurred, that
9 Ms. Grey and/or Mr. Bell could also possibly be in danger from
10 him as well. So with all of that alleged and made, a decision
11 was made to place both of them on administrative segregation
12 pending the investigation.

13 In an initial conversation with Ms. Grey, she reported to
14 Sergeant Owens, she admitted to being in the area where the
15 alleged sex act occurred, so we knew all of that on October
16 13th that she admitted that she was in the area, she denied
17 there was a sex act, but this rumor, true or not, was being
18 talked about in the facility and believed by the majority of
19 the facility, and due to the potential safety risk she was --
20 they were both placed on administrative segregation.

21 We also initiated the two SIRS and PREA complaint.

22 Q. So is placement on administrative segregation, when
23 something like that occurs, is that an ordinary response?

24 A. Yes. If there is any concern that an individual may be in
25 danger or that an individual poses a safety and security risk

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1 to other people in general population, the immediate action is
2 to do the initial placement on administrative segregation.
3 That initial action is reviewed within 120 hours, and then a
4 decision is made from there whether or not to continue
5 administrative segregation, whether that's a temporary basis or
6 a permanent basis through a multidisciplinary team action.

7 Q. And you said there were also investigations started?

8 A. Yes. So then the allegation was that there had been a sex
9 act. At that time we're not going to know whether or not this
10 was a consensual sex act, not a consensual sex act, and whether
11 or not a sex act even occurred.

12 So after I received a call from intel, I called and
13 discussed the situation with the warden. We made the
14 determination that out of an abundance of caution that there
15 had been a nonconsensual sex act, we created two Serious
16 Incident Reports, one listing Ms. Grey as the alleged
17 perpetrator, one listing her as the victim and vice versa to
18 Mr. Carlton Bell. We reported what we knew at that time to IID
19 and asked them to launch an independent investigation.

20 Q. And what, if anything, did that investigation find
21 specifically?

22 A. So when Ms. Grey was interviewed by IID, I know from their
23 investigative report she withdrew the investigation, which
24 effectively ended the investigation, that she did not want to
25 pursue any charges or give any statements about the matter,

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1 essentially, so it is listed as unfounded.

2 Q. And so this is as to the alleged sex act but did the
3 investigation look at anything else?

4 A. No. So IID was only concerned with whether or not there
5 would be criminal charges related to the matter. So when we
6 got the results of the IID investigation, that still left the
7 facility needing to make a determination operationally on the
8 safety and security of Ms. Grey.

9 Q. So was that investigation, I guess, proceeded, like did
10 it --

11 A. Yes. So that investigation was ongoing. There was an
12 initial -- there was a -- so we have regular administrative
13 segregation meetings. Again, this is a multidisciplinary team.
14 We have treatment staff there, custody staff there. I
15 represent the administration. We have intel and various
16 different departments that have input into the matter.

17 So there was a meeting held on October 17th. At that
18 point, we did not have the completed IID investigation. That
19 was still ongoing, but we knew that that was an investigation
20 into a criminal matter and that IID wasn't going to tell -- you
21 know, wasn't going to weigh in about operational concerns,
22 safety concerns.

23 The team met, we discussed Ms. Grey's entire history of
24 being at Patuxent. She's repeatedly made allegations that
25 other inmates are harassing her, she has not given us

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1 Honor.

2 THE COURT: Okay. That's 30 minutes of testimony on
3 direct examination, so I guess that answers that, Ms. Weber.

4 MS. WEBER: Yes. Thank you.

5 THE COURT: All right. Unless there's anything else
6 for us to address before we adjourn, is there anything from
7 plaintiff's counsel?

8 MS. WEBER: No. Thank you, Your Honor.

9 THE COURT: All right. Anything from the defense?

10 MS. RATLIFF: No, Your Honor.

11 THE COURT: I hope you all enjoy the holiday, and
12 I'll see you next week.

13 MS. RATLIFF: Same to you, Your Honor.

14 MS. DONOHO: Thank you.

15 MS. WEBER: Thank you, Your Honor.

16 MS. GOLDEN: Thank you.

17 (The proceedings adjourned at 11:54 a.m.)

18 CERTIFICATE OF OFFICIAL REPORTER

19 I, Amanda L. Longmore, Registered Professional Reporter
20 and Federal Certified Realtime Reporter, in and for the United
21 States District Court for the District of Maryland, do hereby
22 certify, pursuant to 28 U.S.C. § 753, that the foregoing is a
23 true and correct transcript of the stenographically-reported
24 proceedings held in the above-entitled matter and that the
25 transcript page format is in conformance with the regulations
of the Judicial Conference of the United States.

Dated this 8th day of February 2024

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AMANDA L. LONGMORE, RPR, FCRR
FEDERAL OFFICIAL COURT REPORTER